

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALLSTATE INSURANCE COMPANY, et al.,

Plaintiffs,

- against -

ALLA SMIRNOV, et al.,

Defendants.

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AMON, Chief United States District Judge.

NOT FOR PUBLICATION
MEMORANDUM & ORDER
12-CV-01246 (CBA) (SMG)

On October 12, 2012, plaintiffs Allstate Insurance Company, Allstate Indemnity Company, Allstate New Jersey Insurance Company, Allstate Property & Casualty Insurance Company and Allstate Fire & Casualty Insurance Company (collectively, “Allstate”) commenced this action against a number of entities and individuals purportedly involved in providing medical care to persons involved in automobile accidents. On September 24, 2013, this Court adopted Magistrate Judge Steven Gold’s Report and Recommendation (R&R) recommending default judgments be entered against eighteen defaulting defendants. Defendants Alla Smirnov, Marina Bluvstein, and David Lee Hsu, M.D. are the only defendants against whom unresolved claims remain pending. Plaintiffs filed two motions for summary judgment on liability and damages, one against Bluvstein and Smirnov and a second against Hsu. On July 21, 2014, Magistrate Judge Gold issued an R&R recommending that this Court grant plaintiffs’ motions.

Neither party has objected to the R&R and the time for doing so has passed. When deciding whether to adopt a R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). To accept those portions of the R&R to which no timely objection has been made, “a district

court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted). The Court has reviewed the record and, finding no clear error, hereby adopts Magistrate Judge Gold’s R&R as the opinion of the Court.

CONCLUSION

Accordingly, this Court grants plaintiffs’ motions for summary judgment against Smirnov, Bluvstein and Hsu. The Clerk of Court is directed close this case and to enter judgment against Bluvstein, Smirnov, and Hsu, jointly and severally, in the amounts indicated below for treble damages under RICO:

Defendant	Associated Enterprise(s)	Baseline Damages Amount	Treble Damages Pursuant to RICO
Bluvstein	St. John, Lenox, CB	\$1,429,277.24	\$4,287,831.72
Smirnov	St. John, Lenox, CB	\$1,429,277.24	\$4,287,831.72
Hsu	St. John, Lenox	\$1,218,039.63	\$3,654,118.89

This Court orders that plaintiffs shall not recover a total of more than \$4,287,831.72 on all their claims against all defendants based upon payments made by Allstate to St. John, Lenox or CB.

SO ORDERED.

Dated: Brooklyn, New York
September 8, 2014

s/Carol Bagley Amon


Carol Bagley Amon
Chief United States District Judge